

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DANIEL B. STORM, HOLLY P. :
WHITE, DORIS MCMICHAEL and :
KYLE WILKINSON, individually and : Civil Action No.:14-cv-01138
on behalf of all others similarly :
situated, : THE HONORABLE JOHN E.
Plaintiffs, : JONES, III
v. :
PAYTIME, INC., :
Defendant. :
:**

**DEFENDANT'S MOTION TO DISMISS PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 12(b)(1) & 12(b)(6) OR, IN THE
ALTERNATIVE, MOTION TO STRIKE CLASS ALLEGATIONS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(f)**

Defendant Paytime Inc., by and through its undersigned counsel, moves this Honorable Court pursuant to Rules 12(b)(1) and 12(b)(6) of Federal Rules of Civil Procedure to dismiss the Amended Complaint for lack of standing and failure to state a claim upon which relief may be granted or, in the alternative, to strike class allegations in the Complaint pursuant to Rule 12(f) and Rule 23(d)(1)(D) of the Federal Rules of Civil Procedure for the reasons stated in the accompanying Memorandum of Law. Paytime, Inc. respectfully requests oral argument on this Motion.

**LEWIS BRISBOIS BISGAARD &
SMITH, LLP**

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Dated: August 27, 2014